

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

December 21, 2005

Section 5 Submission

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:26, a STATUTE related to the examination and rejection of primary petitions, most recently amended by Laws of 1981 Chapter 308.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 655:26, a STATUTE related to the examination and rejection of primary petitions, most recently amended by Laws of 1981 Chapter 308.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 308 (1981) amending RSA 655:26 is attached as (Exhibit 655:26 A).
- b) Chapter 436 (1979) recodifying RSA 56:23 as RSA 655:26 is attached as (Exhibit 655:26 B). Chapter 436 (1979) has been precleared and is submitted only as the baseline for analysis of this submission.
- c) The changes made by amendments to RSA 655:26 are as follows:

1. Chapter 308 (1981) replaces the phrase “...*less than 75 days before the primary...*” with the phrase “...*later than the third Wednesday in June...*”
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State’s Legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The Legislature through a bicameral process passed law to create Chapter 308 (Exhibit 655:26 A). The bill was signed into law (by the Governor) on June 16, 1981, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
  1. Chapter 308 (1981) adopted June 16, 1981.
- j) Effective dates:
  1. Chapter 308 (1981) effective August 15, 1981.
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:

1. The purpose of the Chapter 308 (1981) change is to clarify the time a candidate has to file supplemental petitions if his primary petitions are deficient under RSA 655:23.
- n) These changes do not negatively target any protected class under Section 5 of the Voting Rights Act of 1965. 42 U.S.C. § 1973 (c). They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups ... to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) None known.
- p) RSA 655:26 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 655:26 C. This submission seeks preclearance of all subsequent changes.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 655:26 D is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II  
Senior Assistant Attorney General  
Civil Bureau  
(603) 271-1238  
[bud.fitch@doj.nh.gov](mailto:bud.fitch@doj.nh.gov)

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1981]

## CHAPTER 308

**132:12-d Recovery by the State.** Upon a determination that a person has fraudulently obtained funds under this program, the state may bring an action to recover the funds. Any funds so recovered shall be remitted to the proper federal officials as required under federal law or regulation. Demand and payment of these funds shall not relieve or discharge any person of liability, either civil or criminal, for additional amounts or penalties as may be prescribed under any other applicable law.

**307:3 Penalties Expanded.** Amend RSA 132:15 as amended by striking out said section and inserting in place thereof the following:

**132:15 Penalties.** Any person committing a fraud on the women, infants, and children program under RSA 132:12-a shall be charged under RSA 638:15. Any person violating any other provision of this subdivision or any rule adopted under this subdivision shall be guilty of a misdemeanor.

**307:4 Criminal Penalties for Fraud.** Amend RSA 638 by inserting after section 14 the following new section:

**638:15 Fraud on the Women, Infants, and Children (WIC) Program.**

I. A person is guilty of fraud on the women, infants, and children program if he is a vendor who embezzles, purposely misapplies, steals, or obtains by fraud or theft any funds, assets, or property provided under RSA 132:12-a or if he receives, conceals, or retains such funds, assets, or property for his own use, knowing them to have been embezzled, purposely misapplied, stolen, or obtained by fraud or theft.

II. Fraud on the women, infants, and children program is:

(a) A class A felony where the value of the funds, assets, or property exceeds \$1,000;

(b) A class B felony where the value of the funds, assets, or property exceeds \$100, but is not more than \$1,000;

(c) A misdemeanor in all other cases.

III. A person is guilty of a misdemeanor if he is a participant who:

(a) By a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device attempts to obtain or obtains funds under RSA 132:12-a to which he is not entitled;

(b) Purposely and knowingly aids or abets any person, by a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device, to attempt to obtain or obtain funds under RSA 132:12-a to which the person is not entitled;

(c) Purposely fails to disclose the receipt of property, wages, income, or resources or any change in circumstances that would affect his eligibility for assistance under RSA 132:12-a, to obtain funds or assistance to which he is not entitled.

**307:5 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

CHAPTER 308 (HB 879)

AN ACT RELATIVE TO THE TIME FOR CHANGING PARTY  
AFFILIATION AND FILING CANDIDACIES  
FOR THE STATE PRIMARY ELECTION.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**308:1 Party Registration.** Amend RSA 654:15 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**654:15 Party Registration.** Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping after the name of such voter the first 3 letters of the name of the party with which he registers.

**308:2 Checklist Session.** Amend RSA 654:32 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**654:32 Hearings on Alterations to Party Registration.** Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and shall not be closer in time to such primary than the day immediately prior to the first day for the filing of nomination petitions. Before the state primary election, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and the last one shall be on the Tuesday before the first Wednesday in June for at least 2 hours between 6 p.m. and 9 p.m.

**308:3 Reference Changed.** Amend the introductory paragraph of RSA 654:34, I(a) (supp) as inserted by 1979, 436:1 as amended by striking out in line 4 the reference "RSA 654:15" and inserting in place thereof the following (paragraph IV) so that said paragraph as amended shall read as follows:

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them under oath or affirmation, if required, that:

**308:4 Another Reference Changed.** Amend RSA 654:34, II(a) (supp) as inserted by 1979, 436:1 as amended by striking out in line 4 the reference "RSA 654:15" and inserting in place thereof the following (paragraph IV) so that said paragraph as amended shall read as follows:

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

**308:5 New Paragraph.** Amend RSA 654:34 by inserting after paragraph III the following new paragraph:

IV. No person, who is already registered to vote, whether his party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election.

**308:6 Further Reference Changed.** Amend RSA 654:34-a, VII (supp) as inserted by 1979, 400:1 by striking out in line 8 the number "654:15" and

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inserting in place thereof the following (654:34, IV,) so that said paragraph as amended shall read as follows:

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him for a change of party affiliation and the name of the party with which he desires to be affiliated or that he desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, IV, shall be retained by the supervisors; and the change shall be made as soon as permitted by law.

**308:7 Filing Period Altered.** Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the third Wednesday in June a declaration of candidacy as provided in RSA 655:17, and

**308:8 Supplementary Petitions.** Amend RSA 655:26 (supp) as inserted by 1979, 436:1 by striking out in line 8 the words "less than 75 days before the primary" and inserting in place thereof the following (later than the third Wednesday in June) so that said section as amended shall read as follows:

**655:26 Examination and Rejection.** The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official but not later than the third Wednesday in June.

**308:9 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

## CHAPTER 309 (HB 883)

### AN ACT CREATING AN AIRPORT DISTRICT BETWEEN THE CITY OF MANCHESTER AND THE TOWN OF LONDONDERRY.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

#### **309:1 Manchester-Londonderry Airport District.**

I. The city of Manchester and the town of Londonderry are hereby authorized to establish an airport district in accordance with the intermunicipal agreement made on March 3, 1981, between Manchester and Londonderry.

II. The district shall consist of all lands approved by the voters of the town of Londonderry at the town meeting held in March, 1981, Article 24 as amended.

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**655:16 Personal Filing.** Except for those who must file with a town or city clerk, any person who files for a primary on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees.

**655:17 Declaration of Candidacy.** Declarations of candidacy shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a qualified voter herein; that I am a registered member of the \_\_\_\_\_ party; that I am a candidate for the nomination for the office of \_\_\_\_\_ (or for delegate to the state convention) to be made at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I hereby request that my name be printed on the official primary ballot of said \_\_\_\_\_ party as a candidate for such nomination or election. I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

**655:18 Forwarding Declarations of Candidacy.** Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

**655:19 Filing Fees.** Unless he chooses to submit primary petitions as provided in RSA 655:20, at the time of filing declarations of candidacy, each candidate, or some person for him, shall pay to the official with whom the same are filed the following fees: for governor and for United States senator, \$100; for representative in Congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for state representative, \$2. Candidates for delegate to the state convention shall not be required to pay a fee. The fees paid to a town or city clerk shall be forwarded to the treasurer of the town or city and shall be the property of the town or city for its use.

**655:20 Primary Petitions.** If he chooses not to pay the filing fee, the name of any person shall be printed on the primary ballot of any party if he files with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy.

**655:21 Form.** Primary petitions shall be made in the following form:

County of \_\_\_\_\_, ss.  
City (Town) of \_\_\_\_\_, State of New Hampshire

I do hereby join in a petition for the printing on the primary ballot of the name of \_\_\_\_\_, whose domicile is in the city (town) of \_\_\_\_\_, number, if in a city, in the county of \_\_\_\_\_ for the office of \_\_\_\_\_ to be voted for on Tuesday, the \_\_\_\_\_ day of September, 19\_\_\_\_, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of \_\_\_\_\_.

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of \_\_\_\_\_ (ward, street and number, if in a city), in the county of \_\_\_\_\_. I further certify that I believe the above-named person is especially qualified to fill said office.

(Signed)

State of New Hampshire

County of \_\_\_\_\_, ss.

City (Town) of \_\_\_\_\_, 19\_\_\_\_

The above-named \_\_\_\_\_, personally known to me, appeared and made oath that the above petition, by him subscribed, is true. Before me,

Justice of the Peace or Notary Public

**655:22 Number of Petitions.** The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for councilor, 50; for county officer, 20; for state senator, 15; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

**655:23 Conflicting Petitions.** Each primary petition shall be a separate paper and shall contain the name of one signer and one candidate only. No voter shall sign primary petitions for more than one party, nor shall he sign more than one primary petition for the same office unless more than one nomination is to be made; in which case, he may sign as many primary petitions as there are nominations to be made for the same office. In case a voter has signed 2 or more such conflicting primary petitions, all such petitions shall be rejected.

**655:24 Oath on Petition *Prima Facie* Evidence of Party Membership.** The oath of a voter upon such petition shall be *prima facie* evidence that he is a member of the party stated therein.

**655:25 Assent to Candidacy.** No primary petitions as provided in RSA 655:21 shall be accepted by the official with whom they are to be filed unless there is attached thereto an assent to candidacy in the following form subscribed to by the person who seeks to have his name printed upon the primary ballot:

State of New Hampshire

I, \_\_\_\_\_, of \_\_\_\_\_, do hereby assent to the

name on the primary ballot as requested in the attached petition. I declare that I am a registered member of the \_\_\_\_\_ party. (Signed)

State of New Hampshire

County of \_\_\_\_\_

The above-named \_\_\_\_\_, person \_\_\_\_\_, me, appeared and made oath that the above declaration by him is true.

Before me,

Justice of the Peace or Notary Public

**655:26 Examination and Rejection.** The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the

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EXHIBIT

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reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official, but not less than 75 days before the primary.

**655:27 Forwarding of Petitions and Assents.** The clerks of cities and towns shall forward all primary petitions and assents to candidacy filed with them on the day of filing of the same to the secretary of state who shall retain them together with all primary petitions and assents to candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

**655:28 Affidavit of Qualifications.** A candidate for nomination for the office of governor, councilor, state senator or state representative shall swear an affidavit covering his qualifications as to age, that the candidate is a registered voter and that his domicile is in the district he desires to represent. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit at the time his candidacy is filed.

**655:29 Qualifications of Candidates.** The form of the affidavit provided for in RSA 655:28 shall be the following:

I, \_\_\_\_\_, candidate for the office of governor, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate and that I am a registered voter and that I will be at least 30 years of age on the day of said election.

II. (For use by candidate for councilor):

I, \_\_\_\_\_, candidate for the office of councilor from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate and that I am now domiciled in councilor district no. \_\_\_\_\_ at the present time and that I will be at least 30 years of age on the day of said election.

III. (For use by candidate for state senate):

I, \_\_\_\_\_, candidate for the office of senator from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate and that my domicile is in senatorial district no. \_\_\_\_\_ at the present time and that I will be at least 30 years of age on the day of said election.

IV. (For use by candidate for state representative):

I, \_\_\_\_\_, candidate for the office of representative from district no. \_\_\_\_\_ of \_\_\_\_\_ county, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate and that I am now domiciled in district no. \_\_\_\_\_ of \_\_\_\_\_ county, the district I seek to represent, and that I will be at least 18 years of age on the day of said election.

### Removal of Candidates

**655:30 Withdrawal.** Where a candidate has duly filed according to law for a primary election, no withdrawal or declination of a candidate shall be

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accepted by the secretary of state subsequent to the last dates for filing, except as provided in RSA 655:31 and 655:34.

**655:31 Straw Candidates.** No person shall be a candidate for nomination at any primary unless his candidacy is bona fide and is filed for the actual purpose of personally seeking the nomination. Any candidate for nomination whose name is to be voted upon at primary election may, within 3 days after the last day for filing declarations of candidacy and primary petitions, file a petition with the ballot law commission alleging that one or more candidates for the same nomination is not a bona fide candidate. Upon receipt of such a petition, the commission shall notify in writing all candidates of that party for the same nomination of the time and place for its hearing. After such hearing, the ballot law commission shall have the power and duty to order stricken forthwith from the primary ballot the name or names of any candidate or candidates for said nomination if the commission finds that such candidate or candidates is obviously not a bona fide candidate, obviously having filed not primarily for the purpose of seeking the nomination but primarily for the purpose of drawing votes which might otherwise be cast for some other candidate for the same nomination. The decision of the commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

### Vacancies Among Primary Candidates

#### 655:32 No Declaration Filed.

I. In case no declaration shall be filed by a candidate for any nomination to be voted for at a primary, the nomination may be made by the appropriate party committee as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall no later than 3 days following the expiration of the period for filing declarations of candidacy as provided in RSA 655:14 file with the secretary of state a declaration of candidacy as provided in RSA 655:17. If the candidate is designated for the office of governor, councilor, state senator or state representative, he shall also file before the expiration of 3 days following the period for filing declarations of candidacy the appropriate affidavit as provided in RSA 655:29. Any candidate so designated by a party committee who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state primary election ballot for that office.

II. For the purposes of this section, the term "appropriate party committee" shall be as defined in RSA 655:36.

**655:33 Disqualification of Candidates.** The disqualification of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:38.

**655:34 Death of Candidate.** The death of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:39.

### Conduct of Primary

**655:35 Same as General Election.** The procedures for conducting the primary shall be the same as those for the general election as provided in RSA 656, 657, 658 and 659 unless otherwise provided therein.

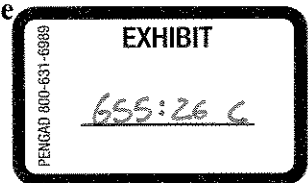
**655:36 Definition.** For the purposes of this chapter, the "appropriate party committee" shall be defined as:





U.S. Department of Justice

Civil Rights Division



JDR:RPL:SMC:jdh  
DJ 166-012-3  
2004-2563  
2004-2581  
2004-2582

Voting Section - NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

June 22, 2004

Orville B. Fitch II, Esq.  
Assistant Attorney General  
Civil Bureau  
Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

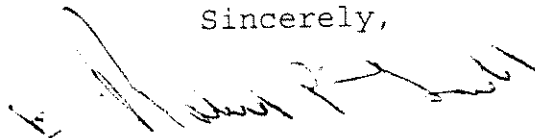
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

Sincerely,

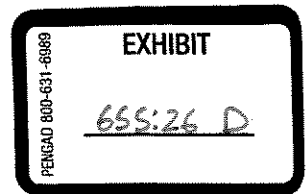
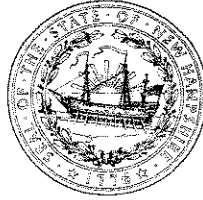
A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over a horizontal line.

Joseph D. Rich  
Chief, Voting Section

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)